

# Meeting Minutes

## March 18, 2004

### Town of Los Altos Hills

#### City Council Regular Meeting

Thursday, March 18, 2004 6:00 P.M.  
Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Cheng called the Regular Meeting of the City Council to order at 6:00 p.m. in the Council Chambers at Town Hall.

Present: Mayor Emily Cheng, Mayor Pro Tem Mike O'Malley, Councilmember Bob Fenwick, Councilmember Breene Kerr and Councilmember Dean Warshawsky

Absent: None

Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, Administrative Services Director Sarah Joiner, Acting City Engineer/Director of Public Works David Ross, Associate Planner Debbie Pedro and City Clerk Karen Jost

Press: Kathleen Acuff, Los Altos Town Crier

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to limit the length of time for public comments to three minutes.

Passed by Consensus: To reorder the agenda and consider Item 6.1 under Item 2.

2. APPOINTMENTS AND PRESENTATIONS

3. PLANNING COMMISSION REPORT

Planning Director Carl Cahill summarized the Planning Commission meeting of March 11, 2004 for Council. The Commission had considered two items: Lands of Mehta, a request for a landscape screening plan, and a permit modification regarding conditions of approval for second story windows; and amendments to the Town's fence ordinance. The Commission approved the Mehta landscape plan but took no action on the condition of approval modification request, noting that the conditions had been at the direction of and approved by the City Council. The Planning Commission's recommendations for the amendments to the Town's fence ordinance will be forwarded to the City Council for their scheduled Public Hearing of the item at their April 1, 2004 meeting.

#### 4. CONSENT CALENDAR

Item Removed: Item 4.3(Cheng), Item 4.5 (public-Sandy Mingia)

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously, to approve the remainder of the consent calendar, specifically;

- 4.1 Approval of Minutes: Regular City Council Meeting March 4, 2004
- 4.2 Review of Disbursements: 02/26/2004 – 03/10/2004 \$256,088.67
- 4.4 Approve and Authorize Execution of Amendment No.3 to the City Manager Employment Agreement Contract between the Town of Los Altos Hills and Maureen Cassingham
- 4.5 Approval of a Resolution Establishing Dawnridge Drive as a Preferential Parking District as Defined in Ordinance No. 432.
- 4.6 Approval of Resolution Adopting Fees for Permitted Parking Permits and Solicitation Permits and Other Fee Adjustments
- 4.7 Acceptance of Grant of Sanitary Sewer Easement, Lands of Dubey; 26475 Ascension Drive
- 4.8 Acceptance of Pathway Easement: Lands of Kerns; 11888 Francemont Drive and Lands of Wang; 11885 Francemont Drive; File#165-03-MISC
- 4.9 Proclamation Declaring June 21-27 Relay for Life Week in Los Altos Hills

Items Removed:

#### 4.3 State Budget Update

Mayor Cheng requested a summary of the item from Administrative Services Director Sarah Joiner. Joiner reviewed her report with Council noting that it discussed some of the short-term and long-term effects of the recently approved Propositions will have on Town finances. Joiner concluded that the passage of these Measures does not resolve the fiscal shortages that the State is facing. They do not address the issue of producing more revenue. The problem is still where will the money come from. This adds a greater significance to the drive by local governments to qualify the "Local Taxpayers and Public Safety Protection Act" for the November ballot. The act is intended to increase local control over local tax dollars so funding for critical local services will be more dependable and predictable. The decision as to how to use revenues, such as property tax and sales tax, should reside with the agency where the revenue was generated.

Council thanked Joiner for her excellent report.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to receive and file the State Budget Update report.

#### 4.6 Approval of a Resolution Establishing Dawnridge Drive as a Preferential Parking District as Defined in Ordinance No. 432.

Sandy Mingia, Dawnridge Drive, thanked Council for their efforts with establishing the Preferential Parking Ordinance. She explained that the residents on her street are asking that the resolution before Council establishing Dawnridge Drive as a preferential parking district be modified to restrict parking on their street 24 hours a day, seven days a week.

For clarification, City Attorney Mattas explained that Dawnridge Drive is a private street and the costs of signage will be born by the residents.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Fenwick and passed unanimously to amend the resolution to read: Section 1. The City Council hereby establishes a preferential parking area for Dawnridge Drive, Los Altos Hills, effective every day between the hours of 8am and 8am (twenty-four hours).

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to approve Resolution 12-04 as amended establishing a preferential parking area (Dawnridge Drive).

### 5. UNFINISHED BUSINESS

#### 5.1 Update on Mayor's Goals

##### 5.1.1 New Town Hall – Status Report

Councilmember Kerr reported that Council had before them a Town Hall project update prepared by Tony Mirenda, TBI Construction Management. Mirenda will be providing a summary report to Council at each meeting. Kerr presented an overview of the report explaining that the firm had begun preparation of the bid packages and they expect to develop 20 bid divisions; construction documents are expected to be completed by the architect March 31<sup>st</sup>; TBI is looking at possible alternative approaches to the foundation to reduce costs; and they will be meeting with a solar consultant in the immediate future to review the design schemes.

##### 5.1.1a Report on the Green Energy Program and the CEC Loan for Energy Efficiency Projects

Councilmember Kerr reported that he had received the loan package from the California Energy Commission for the Energy Conservation Assistance Loan in the amount of \$160,000 for the Town Hall project. The loan terms are 15 years payback at 3.95% interest. Loan payments will be made from the energy cost savings from the implementation of the program. Kerr explained as a result of comments from the Town Hall Committee at their last meeting, he had modified the solar proposal and with staff's assistance had prepared a power point presentation to explain the key elements and energy options being considered for the Town Hall project. Kerr noted that some of the elements defined in the presentation potentially might not be incorporated into the program. He is presently working on the design for the ground mounted solar panels including their aesthetics and screening.

Council discussed the energy program. Kerr explained that he would like to bid both options; Option 1 would be less expensive and include only solar roof panels and could require a smaller loan amount with the PG&E rebates calculated in the cost; and Option 2 with the addition of the ground solar panels, would be more costly but include higher PG&E rebates and would produce an unfunded cost of only \$16,106. Kerr concluded that he would like Council to consider engaging a solar energy consultant to assist him to further refine the system and verify the project “energy numbers”; advise the architect and construction manager on the preparation of the bid packages; and to conduct a technical feasibility study.

Mayor Pro Tem O’Malley commended Kerr for his efforts on this project and incorporating the green energy program into the new Town Hall.

**MOTION SECONDED AND CARRIED:** Moved by O’Malley, seconded by Warshawsky and passed unanimously to authorize Councilmember Kerr to employ a solar consultant and to approve the not-to-exceed expenditure of \$5,000 for the services and to authorize Councilmember Kerr to proceed with the CEC Loan for Energy Efficiency Projects.

#### 5.1.2 Undergrounding of Utilities – Status Report

- Update on Godbe Research Telephone Survey

Councilmember Warshawsky reported that the Undergrounding Subcommittee had received a top line report from Godbe Research. 750-1250 residents had been contacted to complete the 250 surveys for the study. The Subcommittee will review the final report and formalize their recommendations and will present them to Council for discussion at a future study session.

Council agreed with the request and a study session will be scheduled with the Undergrounding Committee prior to a Council meeting in May.

#### 5.1.3 Master Pathway Map – Status Report

- Update on Town-wide Map Review Notification –  
(Continued from 3-4-04)

Chris Vargas, Pathways Committee Chairman, reported that his Committee has considered two options for notifying residents of the public hearing process for the Master Path Map update: 1) Town-wide mailing of the map to every resident; and 2) posting the map on the Town’s website. At this time, the majority of the Committee are recommending that Council consider a town-wide mailing of the proposed map. The estimated cost for the mailing is \$10,000 - \$12,000. Vargas explained that the Committee is proposing to remove paths that do not “make sense” and will add/request easements that make the network work effectively. The Committee will only request key connectors and will have supporting reasons for any requests. Vargas added that the Committee does not expect to start the public hearing process until August and will seek a Council study session with a review of the map before the process begins.

**MOTION SECONDED AND CARRIED:** Moved by Kerr, seconded by Fenwick and passed by the following roll call vote for Council to review and approve the proposed

map before it is made available to the public and to use the Town's website for dissemination of the map to residents with copies available at Town Hall for anyone interested. Postcards will be used to notify the residents of the hearings and availability of the map.

AYES: Mayor Cheng, Councilmember Fenwick, Councilmember Kerr and  
Councilmember Warshawsky  
NOES: Mayor Pro Tem O'Malley  
ABSENT: None  
ABSTAIN: None

#### 5.1.4 Storm Water Master Plan – Status Report

Acting City Engineer/Director of Public Works Ross reported that staff has visited the 24 “hot spots” identified by Nolte Associates. He believes the issues are manageable and will be developing a priority list for Council consideration.

#### 5.1.5 Visit to China to Explore Business Opportunities – Status Report

Mayor Cheng reported that currently there are 16 participants scheduled for the trip and the trip itinerary is being finalized. A dinner at the San Francisco home of the Consul General from China has been scheduled for the group.

#### 5.2 Consideration of Mora Heights Sewer Requests-Lawrence Hall (Continued from 3-4-04)

Lawrence Hall, Husher Residence Architect/Neighborhood Sewer Facilitator, thanked Council for affording him the opportunity to open the dialogue with the Town regarding his request for continued support from the Town for future sanitary sewer connections on Mora Heights Way. Hall noted that he has paid a \$2500 deposit to the Town for staff time expended on his project. Hall explained that Husher had funded and built the main sewer line in the interest of his property and for his neighbors. He is now seeking the Town's assistance in obtaining/purchasing sewer capacity rights. Hall requested that the Council consider sending a letter to Los Altos Hills residents who own unused and extra capacity rights to see if they are interested in selling these rights. At this time, there are 24 neighbors who desire to hook-up to the Mora Heights Way sewer. He requested if these individuals are successful in purchasing capacity rights, Council support their connections with a resolution to LAFCO.

John Husher, Mora Heights Way, addressed Council. He explained that he is before Council to ask for their support in identifying the owners of unused capacity rights. It is his opinion that no individual should hold them and not use them. Husher believes there are 400 unused capacity rights owned by Los Altos Hills residents and it will take action by the Council to locate them.

Mayor Pro Tem O'Malley clarified that the City Council has worked conscientiously for the last three years to acquire capacity rights for residents. Council, with the City Manager and City Engineer, have worked diligently with the County Board of Supervisors and the City of Los Altos to resolve this issue. They have been advised that

answers will be forthcoming when the Los Altos Master Sewer Plan is completed. O'Malley added that some people are keeping their capacity rights because their property presently has a septic system and they will eventually hook-up to a sanitary sewer. He understands Husher's concern but it is not an easy issue to resolve.

#### OPENED PUBLIC COMMENT

Jim Abraham, Viscaino Road, stated that it was presumptuous of the developer (Husher) to say what the City Council should be doing to facilitate his project in the unincorporated area. He is concerned that Los Altos Hills residents will not be able to hook-up to sewers when they need to because the capacity rights have been sold to non-residents in the unincorporated area.

Allan Epstein, Ravensbury Road, expressed his belief that capacity rights are an important issue for all and the Council needs to address the issue because it is a problem that is not going away.

#### CLOSED PUBLIC COMMENT

Hall requested that the City Council: 1) initiate a letter to residents, inquiring about unused capacity rights and any interest in selling them; and 2) if the neighbors should acquire capacity rights, support their request for a connection with a resolution to LAFCO.

Following Council discussion, it was agreed that before taking any action, Council would wait for the issuance of the City of Los Altos Master Sewer Plan and the Joint City Council Meeting (Los Altos Hills/Los Altos) scheduled for May 4<sup>th</sup>. If, after these two events, Council does not have resolution to their questions about the Los Altos Sewer Basin and capacity rights, they will revisit the issue.

### 6. NEW BUSINESS

#### 6.1 Appointment to the Environmental Design and Protection Committee

Environmental Design and Protection Committee member Pat Ley addressed Council. She explained that she had served her four-year term on the Committee and was requesting re-appointment. She has enjoyed her involvement with the Committee and looks forward to another term.

Council thanked Ley for her services and volunteerism on behalf of the community.

**MOTION SECONDED AND CARRIED:** Moved by O'Malley, seconded by Warshawsky and passed unanimously to appoint Pat Ley to the Environmental Design and Protection Committee for a term of four years.

#### 6.2 Discussion of City Council Spring and Summer Meeting Schedule

**PASSED BY CONSENSUS:** To cancel the June 3, 2004, June 17, 2004 and August 5, 2004 Regular City Council Meetings and to schedule Special City Council Meetings on Wednesday June 2, 2004 and June 16, 2004.

Council agreed to schedule a Study Sessions with the Undergrounding Subcommittee at 5:00 pm on May 6, 2004.

### 6.3 Discussion of Santa Clara County Cities Association's City Selection Committee's Appointments to Regional Boards and Commissions

Council requested that staff notify the Santa Clara County Cities Association's City Selection Committee that, at this time, Council has no interest in an appointment to a regional board or commission.

## 7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

Councilmember Fenwick reported that he had attended the March 16<sup>th</sup> Community Relations Committee meeting. The Committee's organizational plans for the Town Picnic are well under way, with the establishment of 54 subcommittees, each with a chair. The Committee has agreed to accept the offer of NASA Ames for a Los Altos Hills evening tour of their Mars facility. June 22<sup>nd</sup> has been selected as the date for the event and additional information will be forthcoming.

Fenwick also attended the second Public Meeting for Cable Services. He reported that the Comcast representative did not participate.

Fenwick reported that the Emergency Communications Committee is pleased to announce that, after years of effort, there is co-ordination on the Town repeater. The Town will have this frequency in perpetuity.

Councilmember Warshawsky announced that Nancy Couperus is the recipient of the John W. Gardner Los Altos/Los Altos Hills Community Foundation Award to be presented April 1, 2004. The Supporters of Westwind Barn nominated Couperus. Warshawsky requested a resolution acknowledging this award be agendized for Council adoption at the next Council meeting.

Councilmember Kerr reported that the Town has submitted two projects for funding that is being offered by the VTA as a part of their local streets and county highways program.

City Manager Cassingham explained that the appropriate resolution to accompany the application submittals, as requested by the VTA, would be considered by Council at their next meeting.

## 8. STAFF REPORTS

### 8.1 City Manager

City Manager Cassingham reported that three members of Town staff, Administrative Services Director Sarah Joiner, Assistant Planner Angelica Herrera Olivera and herself

had participated in a 39-hour training session provided by the Governor's Office of OES California Specialized Training Institute. The program is usually only offered off-site, but through a Homeland Security grant, the program was available on site at the Santa Clara offices of the Sheriff at a minimal cost of \$25 in comparison to the usual \$1,000 plus travel expenses per participant. The purpose of the training was to prepare for a potential terrorist attack in the region. Seventy agencies had participated in the very intensive instruction and exercise. Cassingham concluded that she appreciated the opportunity to participate in the training and believes it will prove to be very beneficial to the Town.

## 8.2 City Attorney

## 8.3 City Clerk

### 8.3.1 Report on Council Correspondence

## 9. COUNCIL-INITIATED ITEMS

## 10. PRESENTATIONS FROM THE FLOOR

Jitze Couperus, Page Mill Road, provided Council with a brief update on the efforts of the Adobe Creek Watershed Collaborative. At last night's meeting, the Santa Clara Valley Water District announced that the project plan would be presented for approval and funding to their Board at their March 20<sup>th</sup> meeting.

Mayor Pro Tem O'Malley will attend the meeting to support the group's project request.

Jean Mordo, Planning Commissioner, reported that the Packard Foundation has expressed interest in making a contribution towards the Green Energy Program for the new Town Hall.

Mordo presented an overview of the Planning Commission's hearing and discussion on the proposed fence ordinance. He remarked that the City Council might want to consider in their discussions, the feasibility of establishing an architectural review board for fence projects that would require public hearings.

Cyrous Gheryi, Elena Road, addressed Council. He stated that his recent meeting with City Attorney Mattas had not been productive. Gheryi claimed that the letter from Mr. Mattas responding to his letter was not truthful and filled with inaccuracies. Gheryi stated that he believed Mr. Mattas was not knowledgeable in the matters that he is attempting to address with the City and Council.

Mayor Cheng explained that the Council has considered and responded to Mr. Gheryi's request. At this time, Council considers the matter complete. The Mayor added that the Town staff is ready to provide the customary inspections and approval actions at such time as needed by Gheryi.



City Attorney Mattas clarified that Council had fully considered the issue and it is considered complete by them. Staff is prepared to work co-operatively with Gheryi when he is ready to complete his project.

“Winnie” introduced herself to Council as the lien holder on the Gheryi property on Elena Road. She explained that there have been many problems with this project including issues with the Water District, Town, neighbors and the economy. It is a question who is responsible for these many issues. Winnie offered to be of assistance in resolving the problems and helping to bring the project to completion. She would like to work with the Town on behalf of Gheryi and hoped that the final solution of a lawsuit could be avoided.

Council suggested she contact staff to set up an appointment to work with staff to move the project forward. City Attorney Mattas provided his contact information to Winnie. She stated she would call tomorrow to schedule a meeting.

Warren Kirsch, Ciceroni Lane, representative for the Robleda Road Sanitary Sewer Extension #2 addressed Council. He explained that nineteen (19) families have created a citizen’s initiative to build a sanitary sewer system to serve 41 homes in Los Altos Hills in the Robleda Road area. The project is scheduled to start construction on April 15, 2004 and he is seeking permission (variance) from Council to modify the Town’s policy of not permitting unconnected sewer laterals in the mainline sewer. He believes that this policy is an inconvenience to the community and will cause the streets in the area to be disrupted numerous times as future hook-ups are made. Kirsch explained that the Town has not responded to their recent proposal and would like Council to direct staff to seek a resolution to the problem and consider a variance to the Town’s policy.

Acting City Engineer David Ross noted that he has had discussions with the group and at this time, Engineering has not identified a method for allowing the lateral stubs to be built and preventing future illegal and un-permitted hook-ups to the sanitary sewer mainline.

City Manager Cassingham noted that this item would be agendized for Council consideration at their Regular Meeting of April 1, 2004.

Resident, Robleda Rd, stated that he was embarrassed that the Town has not acted on this request. Many of the homes in the area are more than 50 years old and have saturated grounds and failing septic fields. He believes it is a serious problem and incumbent on the Town to fix the sewer problems that plague this community. He believes the residents could be self-policing and prevent illegal hook-ups to the sewer.

**MOTION SECONDED AND CARRIED:** Moved by Kerr, seconded by O’Malley and passed unanimously to re-open public comment under Presentations from the Floor.

Mark Jensen, Purissima Road, requested that Council consider designating an area where a sign or banner could be posted in the Town for Town events such as the Town Picnic. He suggested possible locations for signage or banners would be Edith, Burke and Moody Roads.

City Manager Cassingham clarified that two banners advertising the Town Picnic had been displayed last year.

Council concurred that they would like to agendaize this issue for discussion at a future meeting.

11. PUBLIC HEARINGS

None

Council adjourned to Closed Session at 8:35 pm.

12. CLOSED SESSION

CLOSED SESSION: Pursuant to Government Code Section 54956.8: Conference with Real Property Negotiator -

Property: Bullis-Purissima School, 25890 Fremont Road, Los Altos Hills.  
Agency Negotiators: Councilmember Breene Kerr, City Manager Maureen Cassingham and City Attorney Steve Mattas  
Negotiating Parties: Town of Los Altos Hills and Los Altos School District  
Under Negotiation: Terms and Conditions related to Lease of Property

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: Government Code Section 54956.9(a): Campbell and Ligeti v. Town of Los Altos Hills

The City Council reconvened to the Regular City Council meeting at 9:28 pm.  
No action was taken.

13. ADJOURNMENT

There being no further business, the Regular City Council Meeting was adjourned at 9:29 pm.

Respectfully submitted,

Karen Jost  
City Clerk

The minutes of the March 18, 2004 Regular City Council Meeting were approved at the April 1, 2004 Regular City Council Meeting